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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 MW (Minor Child), HAJA SILLAH,
9 DEMBO WAGGEH,

10 Plaintiffs,

11 v.

12 SAFEWAY, INC.,

13 Defendant.

CASE NO. 2:18-cv-01404-RAJ-BAT

**ORDER DIRECTING CLERK TO
IDENTIFY PRO BONO COUNSEL**

14 Before the Court is the Stipulated Motion for Appointment of independent counsel for the
15 minor MW from the Court's Pro Bono Panel, filed by Haja Sillah and Dembo Waggeh and
16 Defendant Safeway Inc. Dkt. 53. The parties stipulated to the referral of the motion for approval
17 of minor settlement to a United States Magistrate Judge. Dkt. 48. This matter was assigned to the
18 undersigned for that purpose on July 24, 2019, and the instant motion referred on July 29, 2019.

19 In its July 26, 2019 Order, the Court declined the request for finding that the minor MW
20 is represented by independent counsel, directed the parties to obtain independent counsel to
21 perform the duties set forth under LCR 17, and indicated the Court would entertain a request for
22 the appointment of independent counsel from the Court's pro bono panel based on MW's
23 presumed lack of resources. According to counsel for the parties, MW is a seven (7) year old
dependent minor child with no visible income or resources, whose combined investigations
should have uncovered such income and resources if they existed. Dkt. 53, p. 2.

1 The Court has discretion to appoint counsel for indigent civil litigants pursuant to 28
2 U.S.C. § 1915(e)(1), but an appointment of counsel should only be granted under “exceptional
3 circumstances.” *Agyeman v. Corrections Corp. of Am.*, 390 F.3d 1101, 1103 (9th Cir. 2004). The
4 record suggests that exceptional circumstances exist here: the parties have stipulated to a
5 settlement of their disputed claims; LCR 17(c) and Washington law require an independent
6 investigation and report to the Court on the fairness of a proposed settlement on behalf of a
7 minor child; the minor plaintiff has no visible income or resources to pay for the services of
8 independent counsel; and, the Court invited MW’s counsel to file a motion for the appointment
9 of independent counsel from the Court’s pro bono panel. Dkt. 52.

10 Accordingly, the Court **GRANTS** the stipulated motion (Dkt. 53) and **DIRECTS** the
11 Clerk to identify an attorney from the Pro Bono Panel to serve pro bono as independent counsel
12 for the minor MW, performing the duties set forth under LCR 17 in connection with the
13 proposed settlement of the claims of MW. *See* Dkt. 49. After the selected attorney has confirmed
14 that s/he has no conflict of interest, the Court will issue an order directing appointment of
15 counsel.

16 DATED this 29th day of July, 2019.

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19 BRIAN A. TSUCHIDA
20 Chief United States Magistrate Judge
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